IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.174 OF 2006

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Office Notes, Office Memorandum of Coram, appearance, Court's orders or directions and Registrar's orders

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Court's or Judge's orders

Mr. A.P. Mundargi, Sr.Advocate
with Ms. E.A. Gonsalves, for the
Petitioners.
Mr. U.V. Nikam, A.P.P. and
Mr. Virendra Lohashia, for R.No.2

CORAM : A.S. OKA, J.
DATE : 16TH AUGUST 2006.

P.C. :

1. Heard learned Senior Counsel Shri Mundargi, appearing for the Petitioners. In this Petition filed under Article 227 of the Constitution of India r/w.Section 482 of the Code of Criminal Procedure, 1973, the prayer is for quashing complaint case filed by the 1st Respondent. It is not in dispute that on the private complaint filed by the 1st Respondent, the learned Magistrate has issued process. In view of this position, in the light of decision of learned Single Judge of this Court in the case of V.K. Jain and Ors. V/s. Pratap Padole and Anr. (2005(3) Mh.L.J. Page

778), the efficacious remedy of filing a Revision Application before the Sessions Court for challenging the order issuing process is available to the Petitioners.

2. The learned Counsel appearing for the Petitioners in view of this position seeks permission to withdraw this petition with liberty to file a Revision Application before the Sessions Court.

3. The Writ Petition is allowed to be withdrawn with liberty as prayed. Ad-interim relief granted in favour of the Petitioner to continue for a period of 6 weeks from today to enable the Petitioners to approach the Sessions Court.

4. It is obvious that the Sessions Court while considering the prayer for condonatiion of delay will take a note of the fact

that Writ Petition was filed in this Court on 23rd January 2006 and an ad-interim order was passed by this Court in this Writ Petition.

JUDGE